

(48)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL::HYDERABAD BENCH::  
AT HYDERABAD.

O.A.No.774/94.

Date: 16-4-1996.

Between:

M.A. Riza Khan

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..

Applicant

And

ESI Corporation,  
Adarshnagar, Hyderabad.

..

Respondent

Counsel for the Applicant : Sri B.S. Rahi, Advocate  
Counsel for the Respondent : Sri N.R.Devaraj, Sr.CGSC

THE HON'BLE SRI R. RANGARAJAN, MEMBER (ADMINISTRATIVE)

J U D G M E N T

As per the facts and circumstances of the case.

Heard Sri B.S.Rahi, learned counsel for the  
applicant and Sri N.R.Devaraj, learned Standing Counsel

2. The applicant in this<sup>of</sup> was appointed as LDC on regular basis with effect from 20.11.1962 at Hyderabad in the respondent Corporation at Hyderabad. He was promoted on adhoc basis as UDC at Hyderabad with effect from 24.1.1970 and he became regular in that capacity from 12.8.1976 at Hyderabad itself. He compares his case for stepping up in the cadre of UDC. It is stated that Sri Chary was drawing more pay than him when he was regularly promoted as UDC.

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: 2 :

3. Sri R.Viswarupa Chary was regularly appointed as L.D.C. at Chittivalasa of the respondent Corporation on 24.8.1965 and was transferred to Hyderabad on 19.10.71 at Hyderabad till 15.2.1972. He was promoted as <sup>ad-hoc</sup> UDC with effect from 16.2.1972 and was posted at Sirpur-Kagaznagar. He became regular UDC at Sirpur-Kagaznagar itself with effect from 19.4.1977.

4. The grievance of the applicant in this OA is that Sri R.Viswarupa Chary is drawing more pay than him Hence his pay also should be stepped up on par with the said Sri Chary from the date Sri Chary was drawing more pay than him in the regular post of UDC. He filed a representation dt. 30.8.1993 (Annexure A.3) to the Director General, ESI Corporation, New Delhi, but the said 30.11.1993 bearing No.52-A/20/11/203/86-Estt.I (Annex.A.4).

5. Aggrieved by the above rejection, he has filed this OA praying for a direction to the respondent corporation to step up the pay of the applicant with respect to Sri R.Viswarupa Chary in the cadre of UDC from the date when his junior Sri Chary was drawing more pay than him in that capacity.

6. The learned Standing Counsel brought to my notice, wherein options were called for from LDCs for going on adhoc promotion as UDC at Sirpur-Kagaznagar. The applicant by his letter dt. 17.1.1972 (pg.49 of the material papers filed in the Reply Statement) had categorically stated that

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he is not willing to be posted as UDC purely on temporary/ officiating adhoc basis at local office Sirpur-Kagaznagar, whereas Sri Chary in response to the memorandum had given his willingness by his option letter dt. 1.2.1972 (page.48 of the material paper filed with the Reply Statement) to officiate on adhoc basis as UDC at Sirpur-Kagaznagar. In view of the refusal of the applicant to go as adhoc UDC to Sirpur-Kagaznagar, his junior Sri R.Viswarupa Chary who had given his consent to officiate on adhoc basis was posted as adhoc UDC at Sirpur-Kagaznagar with effect from 16.2.1972. In view of the fact that Sri Chary had officiated on adhoc basis <sup>as</sup> ~~the post of~~ UDC, his pay was fixed at higher stage when he was promoted regularly as UDC. The applicant ~~-----~~ of his refusal to go as adhoc UDC to Sirpur-Kagaznagar. Hence, the applicant has no case to compare his pay fixation as UDC with that of his junior Sri R.Viswarupa Chary.

7. In view of what is stated above, the present OA lacks merit and accordingly it is dismissed. No costs.

( R.Rangarajan )  
Member (Admn.)

Dated 16th April, 1996.  
Dictated in the open court.

Grh.

*Aradhya*  
18/4/96  
Dn Ch

Copy to:-

1. The Regional Director, EAT Corporation, Adarshnagar, Hyd.
2. One copy to Sri. B.S.Rahi, advocate, CAT, Hyd.
3. One copy to Sri. N.R.Devaraj, Sr. CGSC, CAT, Hyd.
4. One copy to Library, CAT, Hyd.
5. One spare copy.

Rem/-

17/6/96  
TYPED BY  
COMPARED BY

774/96  
CHECKED BY  
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH HYDERABAD

1748214

THE HON'BLE SHRI R. RANGARAJAN : M(A)

DATED: 16/4/96

ORDER/JUDGEMENT

M.A. NO/R.A/C.A. No.

IN

M.A. NO.

774/96

ADMITTED AND INTERIM DIRECTIONS ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDERS AS TO COSTS

\* \* \*

केन्द्रीय प्रशासनिक अधिकरण Central Administrative Tribunal वैद्युत/DESPATCH - 3 JUN 1996 हैदराबाद बेंच HYDERABAD BENCH
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